

**C. The United States Sentencing Commission’s (“USSC”) 2023 Retroactive
Guideline Amendments**

However, the Court *sua sponte* modifies Santos’s 121-month sentence to 120 months. *See* 18 U.S.C. § 3582(c)(2) (“[I]n the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . on its own motion, the court may reduce the term of imprisonment.”). The original Guideline range was 121 to 151 months, but because of the 2023 Retroactive Guideline Amendments’ downward adjustment of Santos’s Criminal History Category from IV to III, the new range is 108 to 135 months. Accordingly, the Probation Department states that Santos is eligible for a sentence reduction, although he is not “eligible for a sentence reduction below 120 months of custody” because of the 10-year mandatory minimum. The Court therefore modifies Santos’s sentence to 120 months.